

MEMORANDUM ENDORSED

December 19, 2022

VIA ECF

The Honorable Gregory H. Woods
 United States District Judge
 United States District Court
 Southern District of New York
 500 Pearl Street
 New York, New York 10007

USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC #: _____
 DATE FILED: 12/20/2022

Re: *United States v. Warren Wilder, 20 Cr 543 (GHW)*
Authorization of Associate Services

Dear Judge Woods:

I am the court-appointed Criminal Justice Act attorney for Warren Wilder in the above-captioned matter. We submit this letter to respectfully request an Order authorizing associate services for this case by Sophia Weinstock Kielar, an attorney with my law firm, both for her prior work on the defendant's behalf and anticipated work in connection with the defendant's forthcoming sentencing.

Based on the nature of this case and the numerous legal and factual issues involved, we believe utilizing Mrs. Kielar's services has and will continue to result in more effective and efficient representation for Mr. Wilder in this matter. Among other things, Mrs. Kielar has assisted in preparation for trial (we were appointed as substitute counsel in close proximity to a scheduled trial date), review of discovery, negotiations with the government regarding an eventual guilty plea, initial preparations for a *Fatico* hearing, negotiations with the government regarding the appropriate sentencing guidelines, and sentencing.

As set forth in Section II(A)(1)(a) of the *Second Circuit Judicial Committee on Criminal Justice Act Representation Policy and Procedure Manual* (the "CJA Manual"), judicial authorization is required for an associate to bill more than ten hours on a CJA matter. The Manual also states in Section II(A)(2)(f):

With respect to non-capital cases, the spirit of CJA Guideline § 6.01 also applies for using associates to lower the cost of the representation or to meet time limits. With prior approval for services in excess of ten hours, associates may be used, at the presumptive rate, where such services will diminish the total cost of representation.

Additionally, Appendix E to the CJA Manual states that the presumptive hourly rate of a full-time associate at the assigned counsel's firm is \$110 per hour. Accordingly, we submit that

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the work done by Mrs. Kielar will diminish the overall cost and increase the overall effectiveness of representation.

If the Court approves Mrs. Kielar's appointment, we request a retroactive initial approval of 135 hours of Mrs. Kielar time, which covers thirteen months of prior services. In addition, because Mrs. Kielar has, at my request, provided counsel throughout this case for Mr. Wilder, I ask that her appointment be made *nunc pro tunc* to November 8, 2021, the date of my appointment in this matter.

Mrs. Kielar is a graduate of the Georgetown University Law Center. She is admitted to practice law in New York and both the Southern and Eastern Districts of New York, as well as the District of Columbia. She has worked at our firm, Perry Guha LLP, since 2021. Prior to this, she worked at Bailey & Glasser LLP.

Please accept this letter as a motion for authorization of associate services. At the recommendation of the Courtroom Deputy Wileen Joseph, we are filing this letter on the docket, to supersede our initial *ex parte* request to the Court for associate services by letter submitted via email to Your Honor's Chambers on June 24, 2022.

Thank you for Your Honor's consideration of this request.

Respectfully submitted,



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*Attorneys for Defendant Warren Michael
Wilder*

Application granted. Ms. Kielar's appointment as associate counsel is authorized *nunc pro tunc* to November 8, 2021. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 143.

SO ORDERED.

Dated: December 20, 2022
New York, New York


GREGORY H. WOODS
United States District Judge